

Agilent Ref: 10031034-1
United States Application Serial No. 10/828,907

The Applicants hereby elect Group I with ~~traverse~~.

The Applicants also respectfully urge the Examiner to rejoin the claims of Groups II-VIII with the elected claims of Group I for examination in this application for the following reasons.

The MPEP allows an Examiner to examine otherwise patentably distinct sets of claims if to so would not impose an undue burden on the Examiner. M.P.E.P. § 8.03 states that:

If the search and examination of an entire application can be made without serious burden, the examiner must examine it on the merits, even though it includes claims to independent or distinct inventions.

In the present case, elements of the claims of Group I are found in the remaining claims of Groups II-VIII. As such, it is believed that the search for the claims of Group I should find any relevant prior art relating to the claims of Groups II-VIII.

Accordingly, little, if any, additional searching should be required for the claims of Groups II-VIII, and therefore the examination of the claims of Groups II-VIII together with the claims of elected Group I should impose little, if any, additional burden on the Examiner.

As such, examining the claims of Groups II-VIII and the claims of elected Group I together in the present application clearly does not impose an undue or serious burden on the Examiner. In the absence of such an undue or serious burden, the Examiner is clearly instructed by the MPEP to examine the entire application. Therefore, the Examiner is respectfully requested to rejoin the claims of Groups II-VIII with the claims of elected Group I and to examine all the claims together in the present application.

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The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-1078.

Respectfully submitted,

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